#### **RESOLUTION NO. 18-01**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A ONE YEAR EXTENSION FOR MINOR LAND DIVISION AND VARIANCE APPLICATION #15-15 TO DECEMBER 15, 2018.

WHEREAS, the property has requested an extension of the approval Minor Land Division and Variance (Application #15-15) from December 15, 2017 to December 15, 2018 subject to the previous findings and conditions of approval, such application being identified as Extension #17-18; and

WHEREAS, on January 23, 2018, the Planning Commission of the Town of Loomis conducted a public hearing on the extension, at which time any person interested in the matter had an opportunity to be heard; and

WHEREAS, the Planning Commission of the Town of Loomis reviewed and considered the staff report relating to the application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the following findings to extend the approval of Minor Land Division and Variance #15-15 Map (Extension #17-18) from December 15, 2017 to December 15, 2018.

**NOW THEREFORE**, based on the findings set forth herein the Planning Commission of the Town of Loomis, at its meeting of January 23, 2018, did resolve as follows:

- 1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
- Pursuant to CEQA Guidelines Section 15061 (b) (3) the project is found to be exempt under the General Rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment, as it can be see with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- An extension of the Minor Land Division and Variance #15-15 is hereby approved for a period of one
  year to expire on December 15, 2018, subject to the previous findings and conditions of approval per
  Resolution 15-01.

ADOPTED this 23rd day of January 2018, by the following vote:

**AVFS** 

Robert King, Town Planner	Michael Hogan, Planning Commission Chairman
NOES: ABSENT: ABSTAINED:	



100-027

November 15, 2017

To: Carol Baker

Town of Loomis Planning Department

Subject:

Minor Land Division 15-01 Extension Request

Katie Lane Parcel Split

Dear Carol,

We are requesting an extension of the Minor Land Division Parcel Split to complete the processing of the final parcel map with the Town of Loomis. Au Clair Consulting has prepared the final parcel map and made a submittal to the Town of Loomis for review of the final map. All the technical requirements have been completed. The only remaining work is the completion of the location of the water and sewer services on each parcel and placing easements on the map for these services. The benefactors of the family trust did not realize all the constraints that would be created with the field work and creation of these easements. These constraints have now been resolved and Au Clair Consulting has been released to complete the coordination of the location of the utilities, adding the easements to the Final Parcel Map and resubmitting the Final Map to the Town of Loomis for acceptance and recordation of the Map. However, given the time of the year, along with the current weather conditions constraining access on the site, this extension is being requested to insure maintenance of the entitlement should this work not be completed before the Minor Land Division expiration date.

We expect to have the field work, mapping and resubmission of the map in January 2018.

Respectfully Submitted,

Stephen Au Clair Principal Au Clair Consulting



## TOWN OF LOOMIS

3665 Taylor Road Loomis, CA 95650 (916) 652-1840 FAX (916) 652-1847

For Town User	RECEIVED
File Number 17	18 NOV 1 4 2017

Application Fee(s)

Receipt # 2 (2) Date OV/VIX

Date Received\_

PLANNING DEPARTMENT	Planning Application	
Project Title: 5995 Katie Lan	ep /	
Street Address/ Location: 5995 Kat	to Lane	
APN(s): 044-072-019,044-072-0	0/8 Acreage: /. 96	
Zoning: Single Family, 27 General Plan		
Current Site Use: Single Family, Regide	11 000	
Surrounding Land Use(s):		
Property Owner: Elsie Caale		
Address: 6005 Katie Lane	Connis CA	
	City State Zip	
Telephone:	email:	
Project Applicant: Ar Clair Concol		
Address: 301 Natoria St	Tolsom CA 95630	
Telephone: 9/6-353-0500	email: <u>Sauclair@Quclairinc.</u>	
Project Engineer/Architect: Au Clair	Consulting	
Address: 301 Natoma 5t	Folsom CA 95630	
Telephone: 916-353-0500	email: 5 au clair Cau dair inc. com	
What actions, approvals or permits by the Town of Loomis does the proposed project require?		
[ ] Appeal [ ] Certificate of Compliance [ ] Conditional Use Permit [ ] Design Review [ ] Development Agreement [ ] Environmental Review [ ] General Plan Amendment [ ] Hardship Mobile Home Permit	[ ] Miscellaneous Permit [ ] Planned Development [ ] Second Unit Permit [ ] Sign Review [ ] Tentative Review [ ] Minor Land Division [ ] Subdivision	
Lot Line Adjustment Other Minor Land D  8. Does the proposed project need approval to	Zoning Amendment (Rezone) ORIGINAL MINISTER STATES	
[ ] Yes [1] no if yes, which agencies?		
or water)	Natural Gas PAGE  Natural Water/Well Pow A	

*	High School Coopis Union School Dist. Elem. School		
	Other		
10.	The Town had informed me of my responsibilities pursuant to California Government Code, Section 65962.5(f), regarding notifying the Town of hazardous waste and/or hazardous substance sites on the project site. I have consulted the lists consolidated by the State Environmental Protection Agency dated and find: Regulatory identification number		
	Type of problem Persund Site AEnviro Star Data Base I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.		
	Type of problem Por Sund Site 1 Enviro 5tar Data Base		
	Dated Nov 7, 2014  Applicant State of California that the foregoing is true and correct.		
11.	Project Description (Describe the project so that a person unfamiliar with the project would understand the purpose, size, phasing, duration, required improvements, duration of construction activities, surrounding land uses, etc. associated with the project. Attach additional pages as necessary.)		
	comission for the dividing of a signite lot into		
	Two lots as shown on attached exhibit		
	Vince -		
12.	Owner Authorization: I hereby authorize Puclaic Consulting Inc., the above-listed applicant, to make applications for project approvals by the Town of Loomis, regarding the above-described project and to receive all notices, correspondence, etc., from the Town regarding this project. I also hereby authorize the town staff to place a noticing board (approximately 4' x 3') on my property, visible from the street, at least ten (10) days prior to the first hearing on my project, and for subsequent hearings as determined necessary by the Planning Director.		
	Signature(s) of Owner(s) Printed Name(s)		
	Elsie L. Cagle Flaie L. CAGLe 11-		
	Date		
13.	Applicant and/or Owner Hold Harmless: Owner, and Applicant (if different from Owner), agrees to hold Town harmless from all injuries, damages, costs and expenses, including attorney's fees resulting from the negligence of owner, and Applicant ( if different from Owner), and their employees, contractors, subcontractors and agents, in connection with any proceeding brought in any State or Federal court with respect to the applicant's project.		
	Signature(s) of Owner(s) Printed Name(s)		
	Stephen Gullair Stephen Auclair 11/7/17		
14.	Applicant and/or Owner Acknowledgment:  Owner/Applicant expressly agree they are solely responsible for assuring compliance with all applicable laws, rules, regulations, and practices required to implement this development, and that Town staff's errors or 123 omissions in explaining what is required, whether on this application form or otherwise, do not establish a basis for Owner/Applicant failing to comply with all such laws, rules, regulations and practices.		
	Signature(s) of Owner(s) and/or Applicant  Printed Name(s)		
	Stephen Auchir 11/7/17		



## #15-01 CAGLE MINOR LAND DIVISION AND VARIANCE 5995 KATIE LANE, APNs: 044-072-019 AND 044-072-018

## STAFF REPORT 12/15/15 PLANNING COMMISSION MEETING

#### REQUEST

The applicant proposes to divide a 1.96 acre (gross) parcel into 2 separate parcels. Parcel 1 will be 1.1 acre (48,103 square feet) in size, and Parcel 2 will be 0.86 acre (37,590 square feet) in size. Parcel 1 will be consistent with the General Plan and Zoning designations of Rural Residential, 1-acre lot minimum (RR). Parcel 2 will require a variance as it will be smaller than the 1.0-acre minimum.

**RECOMMENDATION:** Hear staff report, take public comment, and adopt Resolution #15-01 approving minor land division and variance, per the findings in Exhibit A and conditions of approval in Exhibit B.

#### PROJECT DESCRIPTION

This application consists of a request to divide the subject parcel from one to two lots and the request for a variance on the second parcel that has a proposed gross area under one acre. The Katie Lane parcel consists of 85,690 square feet, 1.97 acres in size, and currently has two homes located onsite. One home is occupied by the property owner, Elsie Cagle, and is oriented towards Katie Lane. A second home is occupied by Mrs. Cagle's grandson and is oriented towards McAllen Street. The applicant would like to split the current parcel to create a lot for each home. This will allow the transfer of parcels in the future to the applicant's heirs and successors. Given the structure locations on the parcel, it is not feasible to split the parcel into two equal size lots. The applicant is therefore requesting approval of a parcel split for one parcel that exceeds the Rural Residential gross acre requirement with an area of 48, 100 square feet and a second parcel with a variance for an area of 37,590 square feet. While the square footage of the second parcel is below the required minimum square footage (43,560), the proposed lot configuration provides substantial setback distance for each residence between the structures and the property lines. Each parcel has water and sanitary sewer services to the public service lines provided by PCWA and SPMUD, respectively. The applicant parcel resides in the Rural Residential zone and adjacent parcels, located in the same zoning, are under 1-acre in size. These parcels include:

- Parcel 044-080-034-000 (0.37 acres in size)
- Parcel 044-080-023-000 (0.22 acres in size)
- Parcel 044-072-017-000 (0.11 acre in size)
- Parcel 044-072-048-000 (0.30 acre in size)

Parcel 044-072-049-000 (0.44 acre in size)

• Parcel 044-072-047-000 (0.55 acre in size)

Site: 5995 Katie Lane Loomis, California 95650 APNs 044-072-018 and 044-072-019

Existing Access: Existing access off Katie Lane and McAllen Street.

Surrounding Uses and Zoning: Surrounding uses and zoning are as follows:

North – Residential parcels, RS-10 zoning East - Residential parcels, RR zoning South - Residential parcels, RR zoning West - Residential parcels, RR zoning

#### Improvements/Utilities/Service Systems:

Sewer – South Placer Municipal Utility District (SPMUD)
Water – Placer County Water Agency (PCWA)
Drainage – Placer County Flood Control District
Gas/Electric – PG&E

Environmental Review: This Project is proposed for approval through issuance of a Notice of Exemption under provisions of the California Environmental Quality Act, Section 15061 (b)(3) whereas: "A Project is exempt from CEQA if: The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be see with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

### MINOR LAND DIVISION REQUEST

A project is Categorically Exempt under the California Environmental Quality Act, Section 15315 Minor Land Divisions, Class 15, which consists of the division of a property into four or fewer parcels in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope of greater than 20 percent.

The project applicant is requesting to split a 1.96-acre parcel into two separate parcels, Parcel 1 would be 1.1 acre, and Parcel 2 would be 0.86 acre. The Minor Land Division requested by the project applicant would require a variance; therefore, this action would not be considered Categorically Exempt under the California Environmental Quality Act, Section 15315 Minor Land Divisions, Class 15. Exhibit A (attached) discusses the findings associated with the project applicant's Minor Land Division Request.

### **VARIANCE REQUEST**

(To allow a parcel smaller than 1.0-acre minimum size in RR Zone)

Variance findings allowing a parcel smaller than 1.0-acre minimum size in RR Zone: Required findings must be made by the Review Authority if the variance is to be approved. The required findings are listed below:

#### 13.62.060 - Variance and minor variance.

Findings and Decision. The review authority may approve a variance or minor variance, with or without conditions, only after first making all of the following findings, as applicable.

#### 1. General Findings.

- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.
- <u>b.</u> Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;
- c. The variance is consistent with the general plan and any applicable specific plan.

**RECOMMENDATION:** Hear staff report, take public comment, and adopt Resolution #15-01 approving minor land division and variance, per the findings in Exhibit A and conditions of approval in Exhibit B.

#### <u>ATTACHMENTS:</u>

- 1. Findings
- 2. Resolution #15-01
- 3. Conditions of approval
- 4. Planning Application #15-01 Cagle Minor Land Division and Variance
- 5. Project Description
- 6. Environmental Review Application # 15-01 Cagle Minor Land Division and Variance
- 7. Project Site Plan
- 8. Surrounding RR Parcels Below 1-Acre in Size

#### NOTE:

Notice published in Loomis News on 12/10/15 and mailed to neighbors on 12/7/15.

## FINDINGS 12/15/2015

#### Minor Land Division

Notice of Exemption – Minor Land Division

The project consists of the division of a 1.96 acre parcel occupied by two single family residential units into two residential parcels. Parcel 1 will be 1.1 acre in size, and Parcel 2 will be 0.86 acre in size. The project is not Categorically Exempt under CEQA Section 15315 Minor Land Divisions, Class 15.

1. This proposed minor land division, together with the provisions for its design and improvement, is not consistent with the Town of Loomis General Plan and the Zoning Ordinance in that the division would require a variance to ensure that Parcel 2 (0.86 acre) would conform to the standards of the General Plan and Zoning Ordinance.

Based on the need for a variance the Minor Land Division would not be Categorically Exempt under CEQA Section 15315 Minor Land Divisions, Class 15 and a Notice of Exemption cannot be issued.

#### Minor Land Division Analysis

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Staff hereby finds and determines as follows:

- 1. The proposed project includes the division of a 1.96 acre parcel into Parcel 1, approximately 1.1 acre in size, and Parcel 2, approximately 0.86 acre in size. Parcel 1 would be consistent with the General Plan and Zoning designations of Rural Residential, 1-acre lot minimum (RR). Parcel 2 will require a variance as it will be smaller than the 1.0-acre minimum required by the RR Zoning designation. Issuance and approval of the variance would deem the proposed project consistent with the Town's General Plan and Zoning Ordinance.
- 2. The design and improvement of the proposed division are consistent with the General Plan because adequate infrastructure and services are currently in the direct frontage of the property, and will be available to serve the demand for services generated by the division including water, sanitary sewer and roadways.
- 3. The site is physically suitable for the primary and secondary single family residential unit currently occupying the parcel in that it meets the size requirements and there are no environmental constraints.
- 4. The site is physically suitable for the proposed density of development in that the existing primary and secondary single family residential unit is consistent with the allowed zoning density.
- 5. The design of the division will not cause substantial environmental damage, or injure fish or wildlife, or their habitat, in that the division is of an existing residential parcel which is already occupied by a primary and secondary single-family residential unit and no

construction will occur with the proposed action.

- 6. The design of the division will not cause serious public health problems since water, sewer, sheriff, fire, and solid waste services will continue to be adequately provided to the project.
- 7. The design of the division will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project.

Based on analysis provided above and in the attached Environmental Review Application for the request of the Minor Land Division, staff has determined that "No possible significant effect" would occur with implementation of the Project. Staff therefore recommends that a Notice of Exemption (NOE) be filed for the Minor Land Division request associated with this Project.

#### <u>VARIANCE:</u> (allowing a parcel smaller than 1.0-acre minimum size in RR Zone):

- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district. The proposed Project is located adjacent to and near parcels that are within the Rural Residential (RR) Zone that are less than 1.0-acres in size. The following parcels surrounding the proposed Project are smaller than 1.0 acre in size in the Rural Residential (RR) Zone:
  - Parcel 044-080-034-000 (0.37 acres in size)
  - Parcel 044-080-023-000 (0.22 acres in size)
  - Parcel 044-072-017-000 (0.11 acre in size)
  - Parcel 044-072-048-000 (0.30 acre in size)
  - Parcel 044-072-049-000 (0.44 acre in size)
  - Parcel 044-072-047-000 (0.55 acre in size)
- <u>b.</u> Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; <u>Granting the variance gives the property owner the same standards that neighbors developed their residential units/parcels to.</u>
- <u>C.</u> The variance is consistent with the general plan and any applicable specific plan. Yes. The site is fully landscaped; each parcel has access ways to their respective public roadway frontage on Katie Lane and McAllen Street so no construction is proposed or required for this land division. As a result of each parcel having full services and complete/existing onsite improvements, this request consists of a land subdivision without any other activities that would be inconsistent with the Town of Loomis General Plan.

Based on analysis provided above for the request of the Variance staff has determined the Project is consistent with the findings to issue a Variance. Staff therefore recommends that the requested Variance for a parcel less than 1.0-acre in size being permitted in the RR Zone be approved.

#### **RESOLUTION NO. 15-01**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A MINOR LAND DIVISION AND VARIANCE FOR 5995 KATIE LANE; ASSESSOR PARCEL NUMBER (APN) 044-072-018/-19.

WHEREAS, AuClair Consulting Inc., the applicant, has proposed to subdivide the 1.96-acre APN 044-072-018/-019 into two lots (Parcel 1 would be 1.1 acre and Parcel 2 would be 0.86 acre), such application being identified as #15-01; and

WHEREAS, on December 15, 2015, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with #15-01 Cagle Minor Land Division; and

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of December 15, 2015, did resolve as follows:

- The proposed Project is consistent with the goals policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
- The proposed Project consists of a request for a Minor Land Division (MLD) to split a 1.96-acre parcel into two separate parcels (Parcel 1 would be 1.1 acre and Parcel 2 would be 0.86 acre) as well as a Variance to allow for a "Parcel 2" to be less than 1-acre in size within the Residential Rural (RR) Zone. The MLD would normally be Categorically Exempt under the California Environmental Quality Act (CEQA), Section 15315 Minor Land Divisions, Class 15; however, since the proposed Project requires a Variance the MLD cannot be considered Categorically Exempt under CEQA. If a project can be found to have "No Possible Significant Effects" then such a project may be considered exempt and a "Notice of Exemption" may be filed.
- 3. The project, #15-01 Cagle Katie Lane Minor Land Division, is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 15 <sup>th</sup> day of December, 2015, by the following vote:  AYES:  NOES:  ABSENT:  ABSTAINED:	
	Mike Hogan, Chairman
Amanda Rose, Planner	

# CONDITIONS OF APPROVAL 12/15/15

This Minor Land Division and Variance is approved for the division of a 1.96-acre parcel, APN 044-072-018/-019, 5995 Katie Lane, per the following conditions. The approval expires on December 15, 2017, unless extended by the Planning Commission.

### **GENERAL CONDITIONS**

1	Owner shall comply with all applicable provisions of the Town of Loomis Municipal Code.
2	The Project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Approval of this Project, subject to said plans, conditions and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
3	The Project shall be implemented substantially in accordance with the plan entitled "5995 Katie Lane Town of Loomis, CA" as prepared by Au Clair Consulting, consisting of one sheet, dated and received "October 1,2015", except as may be modified by the conditions stated herein.
4	When submitting for Plan Check, the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying how and where the revised plans address each of the conditions. Plan Check by the Planning Department and the Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or future construction (if applicable).
5	If the applicant chooses to develop new structures on the parcels, prior to the issuance of any Building Permits on either the existing or the new parcel, the owner shall ensure that all existing and future structures, inclusive of the existing sheds onsite, shall comply with the Town's setback regulations.
6	The owner (sub-divider) shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the subdivision that is the subject of this application and which is brought within the time period specified in

Section 66499.37 of the Subdivision Map Act. The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans. GENERAL PLANNING The property owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g., by incorporating into the standard provisions of any sale, lease, and/or rental agreements, etc.). The owner will be responsible for taking reasonable actions to abate nuisances caused by this project in the project area which are under the owner's control. 10. No request for a Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town, acceptable to the Town Attorney, for those conditions not completed, as has been submitted. AGENCIES 11. The property owner shall coordinate with PG&E on any future development plans which occur within PG&E easements. 12.\_\_\_\_ When PG&Es Service Facilities are located on private property and that property is subsequently subdivided into separate premises with ownership divested to other than the applicant or customer, the sub divider shall provide PG&E with adequate right-of-way, satisfactory to PG&E for its existing service facilities. PG&E owns and operates overhead electric distribution facilities along the southern portion of the site being subdivided. Clearance requirements between utility facilities and surrounding objects or construction activities shall be maintained in accordance with California Public Utility Commission standards. To ensure compliance with these standards, project proponents shall coordinate with PG&E early in the development of their project and any future proposed development plans shall provide for unrestricted utility access. If future develop occurs on the Project site the applicant shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their future proposed development. South Placer Municipal Utility District (District) requires the applicant to provide the location of the private sewer service lateral from 6005 Katie Lane through field verification and shown on the site plan map to verify that the 10-foot sewer easement is properly located and follows the centerline of the

The District requires that Parcel 1 be served by its own private sewer service lateral located in an easement unencumbered by other structures. Should the realignment of the private sewer service lateral to Parcel 1 be required, the owner and/or owner's representative will need to schedule a meeting with District staff in order to discuss the project and to determine specific requirements.

The District noted that other neighboring parcels have private sewer service laterals that likely traverse Parcel 1 and/or Parcel 2. The District recommends, in the best interest of all property owners (present and future), that all private sewer service laterals be field located and easements be granted at the time of this parcel split.









